

**MINUTES**  
**MICHIGAN STATE TRANSPORTATION COMMISSION MEETING**  
**January 30, 2003**  
**Lansing, Michigan**

Meeting noticed in accordance with Open Meetings Act, Public Act 267 of 1976.

Present:     Ted Wahby , Chairman  
              Lowell Jackson, Commissioner  
              John Garside, Commissioner  
              C. Robert Baillod, Commissioner  
              Robert Bender, Commissioner

              Jerry Jones, Commission Auditor  
              Kristine Rivas , Executive Assistant  
              Pat Isom, Assistant Attorney General  
              Gloria Jeff, Director  
              Leon Hank, Chief Administrative Officer  
              Larry Tibbits, Chief Operations Officer  
              Rob Abent, Bureau of Multi-Model Transportation  
              Myron Frierson, Bureau of Finance and Administration  
              Susan Mortel, Bureau of Transportation Planning  
              Terry Anderson, Bureau of Highway Development

Absent:       Betty Jean Awrey, Commissioner

A list of those people who attended the meeting is attached to the official minutes.

Chairman Wahby called the meeting to order at 9:04 a.m. in the Bureau of Aeronautics Auditorium, Lansing, Michigan.

**APPOINTMENTS**

Chairman Wahby reported that he has been appointed by Governor Granholm as Chairman of the State Transportation Commission. It was moved by Commissioner Jackson, with support from Commissioner Bender, to approve the nomination of Betty Jean Awrey as Vice Chairwoman. The motion carried on a unanimous voice vote.

Chairman Wahby welcomed Commissioner Bender as the newest Commissioner to the State Transportation Commission. Chairman Wahby also welcomed Gloria Jeff, Governor Granholm's nominee for Director of the Michigan Department of Transportation.

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## **PUBLIC COMMENTS**

Scott Hagerstrom from Representative Jacob Hoogendyk's office provided a letter to the Commission regarding a construction project on R Avenue in Kalamazoo County. He noted that residents from this area asked the Kalamazoo County Road Commission (KCRC) to lower the speed limit on R Avenue after several deaths occurred as a result of traffic accidents. In response, however, the KCRC proposed a safety project which would flatten the roadway and remove trees along the route. Prior to these incidents, R Avenue was designated by the county as a scenic roadway, and Representative Hoogendyk believes KCRC's proposal is too dramatic. Residents from the area formed a group called Friends of R Avenue (FORA) to address concerns. This group had an engineering plan drawn up, which, they feel, meets AASHTO standards, and is less devastating to the natural beauty of the roadway than the KCRC's plan, but that will meet the primary safety concerns of the residents. Mr. Hagerstrom reported that Representative Hoogendyk is asking that the State Transportation Commission (STC) request the Michigan Department of Transportation (MDOT) to review both plans. He reported both plans meet safety requirements, but that FORA's plan is less devastating to trees and the natural beauty of the roadway. He also commented that Representative Hoogendyk believes that FORA's proposed plan would be less expensive and would free up more safety dollars for other projects.

In response to a question from Commissioner Garside, Mr. Hagerstrom noted that KCRC applied for a \$200,000 Federal safety grant and that approximately \$100,000 of county funds would be spent on this project.

Ronald Reid, Managing Director, Kalamazoo County Road Commission, reported that four fatalities had occurred at this site--two in 1998, and two in 2000. He noted that KCRC applied for safety funds to address this issue, and in the process, an environmental assessment (EA) was done with a public comment period. KCRC was fully within the road right-of-way, and the project should have been a categorical exclusion, but because of the public controversy, they went through the full EA process. The project that has been envisioned, now approximately 2,000 feet of roadway of West R Avenue and approximately 500 feet on S. Sixth St., will address the issues that have been defined in the EA. Mr. Reid indicated the proposal submitted by FORA is not adequate and does not meet AASHTO standards, that the design was not prepared by a civil engineer, and does not meet the demands that the county is obligated to meet when repairing roadways for safety purposes. He noted that KCRC's project did qualify for Federal highway safety funds.

Commissioner Jackson questioned if the criteria to qualify for safety funds is related to the accident history. He asked, does the history have to be associated with the intersection that you count in the safety issues? Mr. Reid responded that one of the accidents did not involve

the road and it was approximately 800 feet from it. The other accident was even further away that involved going through the intersection. The issues of lane width, shoulder width, and sight distances are part of both accidents. Commissioner Jackson asked about the intersection being labeled as a beauty road. Mr. Reid responded that only 600 feet of this project is in the natural beauty section. Commissioner Jackson indicated that Michigan has attracted more tort liability than many other states over the years and questioned if that was a consideration in the removal of trees at that intersection. Mr. Reid stated that safety has always been the issue more than liability. A court decision made a year ago eliminated the liability issue, but that may change in the future. They are now focusing on safety and this will involve trees.

John Coghlin, representing FORA, noted that FORA is a group of more than 3,000 Kalamazoo County residents who believe preservation of scenic and natural environment is as important as safety and economic concerns. It is his belief, that with the flexibility of AASHTO guidelines, safety, mobility, aesthetic beauty, community values, and fiscal prudence can all be addressed, and the impass they face with KCRC, resolved. FORA propose that excess asphalt be removed at the intersection of Sixth Street and R Avenue, rather than trees removed. The asphalt has created a crown which presents a potential hazard if the stop sign is not heeded. FORA would like to see the crown removed without removing 100-year old trees at the intersection. In January, 2001, the speed limit on West R Avenue was reduced to 45 mph. This reduction had been sought after for more than two years by residents concerned with safety. The reduced speed limit has had a positive impact in reducing personal injury accident incidents on the road. There have been no recorded accidents near the intersection or within the scope of KCRC's proposed project since the speed limit was reduced. FORA feels the speed limit reduction, coupled with the resident's alternative plan, can, and will, answer the safety concerns all share without undue expense or sacrifice of the rural character of the natural beauty road. Mr. Coghlin quoted the Director of AASHTO as agreeing that there is flexibility to take into consideration, one being community values, when creating and implementing an engineering plan for safety. FORA did not understand MDOT's final engineering approval of the West R project prior to the meeting requested by Kalamazoo County Commissioner, John Zull, on January 15, 2003. They had hoped this meeting would present an opportunity to speak of a more moderate project with KCRC. With the prior approval being in place, any hopes for serious consideration of the residents' alternative plan were dashed. FORA realizes, now, that it is not because of inflexibility in ASSHTO's standards to accept the project, but the KCRC's inflexibility. FORA asks the STC to intercede to help them achieve a reasonable design for their natural beauty road in concert with KCRC. FORA feels their alternative, which Gary Vandlen will present, will eliminate safety problems, while recognizing and respecting the community, and save hundreds of thousands of dollars when compared to the KCRC preferred project.

Gary Vandlen, resident of Kalamazoo County and resident along the site, has seen the driving behavior and wants the intersection to be safer. He presented KCRC's proposed project, illustrated by points of beginning and ending. In the middle, he showed the resident's alternative plan. Both plans call for removal of the launching ramp now at the intersection created, over time, by repeated overlayments through the intersections. The last overlayment on S. Sixth St. was non-compliant with ASSHTO guidelines with regard to intersection crowns, and it further enlarged the launching ramp. They would like it removed immediately to discourage thrill seekers attempting to get airborne. This can be accomplished by reducing the elevation of the intersection by less than a meter. The residents' alternative plan finds smooth transition or blend points to all four approaches of the existing roadway, involving no more than 188 meters of intersection reconstruction. In addition to the removal of the launching ramp, the KCRC plan calls for flattening two additional hills distant of the intersection on the outbound sides of the drawing, and for filling connecting valleys, totaling over 780 meters or 2,550 feet of reconstruction. The scope of the plan is defined on the outcome of two accidents. Focusing on the eastern leg of the project, as proposed by KCRC, a July 2000 fatal accident, intersection related, came to a rest just inside the described project limits. This area is topographically level, fixed objects are beyond ASSHTO guidelines, and the roadway is in very good condition in that area. With removal of the launching ramp, the outcome resting point of that accident would not be applicable (without the attractive nuisance, this type of accident would not be repeated). A May 2000 accident defining the western point of beginning on the KCRC plan did not even happen at this location. Sheriff reports indicate this accident happened outside the proposed project limits, east of the intersection, not west. Other accidents used for justifications of this project were likewise (beyond the project limits or recorded by the KCRC as being noncorrectible). All requirements for minimal stopping sight distance, with regard to the intersection, are already met, and there was no accident in this location as used in the original project justification. The residents' alternative plan would cost \$30,000 or less, and it would enhance the safety of the intersection, with removal of the launching ramp, while preserving the natural beauty.

Tony Badalamenti, representing FORA, presented a petition signed by residents, dated February 6, 2001, opposing the reconstruction of West R Avenue and Sixth Street. Mr. Badalamenti also provided a petition signed by county residents supporting the area residents. He also stated that removing the crown from Sixth Street would be far less costly and destructive to the area.

Sue Vandlen, a resident of R Avenue, commented that she is in support of preserving the beauty and trees at this site, and noted that the four trees at the intersection have not contributed to any accidents in this area.

John Zull, Kalamazoo County Commissioner, noted his frustration with the proposed project, but noted he is not a resident of the area. He opposes the KCRC project due to the cost. He recommends that the project be done using the alternative plan proposed by the residents. He asked that the STC not approve the project, and requested the KCRC to compromise with the residents to preserve the natural beauty of the roadway.

Gloria Jeff, MDOT Director, asked Terry Anderson, Director, Bureau of Highway Development, to address this issue. Mr. Anderson reported that the Department has spent significant time examining this project and made themselves available for numerous discussions and meetings. Mr. Anderson clarified what Mr. Coghlin had said about MDOT's approval of the project prior to the January 15 meeting, stating that the meeting had been scheduled twice before and turning in a project for advertisement precluded them from waiting any longer, therefore it was approved at that time. During the time of the project, MDOT has had numerous discussions with Mr. Coghlin, Commissioner Zull, and others, and he remarked that they have always been polite and patient. MDOT's approach to project development is getting stakeholders involved in the planning process. When design issues cannot be reconciled, MDOT hopes that there is a willingness to compromise. Through discussion, education, and trust, most problems and issues are resolved. MDOT is disappointed in seeing this project result in so much dissatisfaction. The beginning of the project started on July 17, 2000. MDOT became involved when the KCRC applied for Federal aid safety funds, which are capped at \$200,000 per project. After MDOT's review, they believed the appropriate counter measures could be applied to reduce accidents. The study was approved for funding and, shortly after, citizen concerns were raised about the impact to the local area. In consultation with FHWA, it was decided to require an EA, which would allow public input through hearings and discussions of the project, and produce a record of proceedings and conclusions which could be applied to the design of the project. The process also sets forth documentation to justify the need for the proposed action. FHWA has issued a finding of no significant impacts on this project area. Speed was an issue and the county did a speed study and lowered it to 45 mph, which was set in law. This design speed is important because it sets a standard for the design standards required for a project. MDOT's role is to receive the design plans and staff examines them for conformance to AASHTO standards, and since this is a safety project, they also check for counter measures proposed in the designs. The counter measures relate to the safety aspects of the project. The project proposed by KCRC is a 60 kilometers per hour design, and the correct standard, based on speed, is 70 kilometers per hour, and that relates back to 35-45 mph. KCRC, therefore, provided MDOT with a request for a design exception to go to the lower speed, and they based it on a rural classification and also on the counter measures proposed. Our engineer of Design Services granted the design exception. As it stands, the plan produced for our review meets the standards required and has safety counter measures, from which our knowledge and practice with safety projects, will reduce accidents or severity of accidents by at least 50 percent. The project does meet requirements for Federal funding, and it was

authorized. At this time, no alternative design has been submitted to us for review. We would accept any alternative design for review if submitted by the KCRC. At this time, the project has been advertised and scheduled for a February 7, 2003 letting.

Thomas Fudaly, Engineering and Operations Manager, FHWA, verified what Mr. Anderson had said. They became aware of the project through calls from Mr. Coghlin and others. The project was originally being categorized as a categorical exclusion. They looked into it and there seemed to be a lot of concerns that may not have been addressed by the KCRC, so they asked, in cooperation with MDOT, that the project be elevated to a EA so the concerns would go on record. These concerns were addressed, and they found nothing in violation of the environmental regulation processes. There are some trees going to be taken, but this is a safety project. With fatalities, the project did qualify for safety funds and has a high benefit/cost ratio. There could, possibly, be some different design alternatives done, but this was the only one presented to them. Once they approved the findings of no significant impacts, the design decisions are then really MDOT's to make, and they are pretty much out of the picture.

Commissioner Jackson asked if the reported accidents were related to the intersection, itself, or the widths of the roads. He also asked what the main difference between the two projects was. Mr. Fudaly responded that, in their view, he believes it was the intersection. When they go to improve the area, they would want to meet the standards for shoulder width too. He believes the profile grade and the shoulders are the main differences in the two projects. Commissioner Jackson commented that this Commission is not going to redesign the project and that he feels the responsibility is at the local level.

The issue was then referred to MDOT Director, Gloria Jeff. Director Jeff commented that in listening to all parties involved, there should be an opportunity for satisfaction of the safety concerns that everyone agrees needs to be addressed, and there is an opportunity to once again review what is being proposed. Ms. Jeff proposed that MDOT facilitate a meeting, within the next two weeks, for KCRC and FORA strategic individuals to talk and bring forward the engineering expertise and the concerns of the citizens, to see if all can find a new solution. This meeting will be facilitated by Mr. Anderson and his fellow team members from MDOT.

#### Additional Public Comment

Douglas North, owner of both the Holiday Inn in Jackson, Michigan, located at the northwest corner of 127 and Interstate 94 and also of North Construction Company, reported on a stalemate with the local MPO regarding the I-94 modernization. Mr. North would like to see an I-94 overpass constructed. When the concept to run Wisner Street under I-94 was introduced, members of the community recognized its common-sense remedy, even though some were threatened because an outsider presented the optimum, most financially

constraining plan, and it's the only plan that provides non-motorized accessibility north of 94. A resolution to break the stalemate is currently being initiated by the Jackson Chamber of Commerce. There has been a lot of economic growth in this area, and he believes MDOT should pay for a local connector overpass that would prevent them from spending an additional \$7 million for a major interchange redesign. Excerpts from the ISTEA and the TEA-21 state the transportation system should provide appropriate access to and from major land uses and activity centers and should reflect the ability to finance such a system to best allocate resources and to become an economic asset to the community. Mr. North asks that MDOT/STC recognize how they can improve traffic flow, in this particular area which has grown immensely over the last 20 years, by simply creating or extending a local street. The whole idea is to improve north/south accessibility by installing the extension as far as Wisner Street up to Springport Road, and in doing so, the local traffic will not be forced into 127 as the MDOT traffic model demonstrated and proved last February.

Commissioner Bender questions what kind of development is envisioned on the parcel under Mr. North's alternative plan. Mr. North responded that the Jackson community has been looking for a location to establish a community convention center, which would be implemented through the enterprise group and the Jackson Chamber. By extending Wisner Street, it would provide local access without getting on I-94.

Commissioner Jackson commented that Mr. North had indicated that the collector would throw off approximately \$150 million a year. He questioned whether Mr. North had considered capturing some of that \$150 million to help pay for the collector. Mr. North indicated that it had been introduced by MDOT. Mr. North indicated that, as far as transportation improvements being recaptured, he believes that is the responsibility of the transportation process. Commissioner Jackson indicated that in similar circumstances in Colorado, the policy there was that they had enough interchanges to satisfy interstate traffic as opposed to local traffic. If you wanted an interchange on the interstate, one would have to come up with the money. It is difficult to justify paying for a collector even if it is funded by not spending the dollars on something else.

This matter was then referred by Chairman Wahby to Director Jeff for follow up.

## **COMMISSION BUSINESS**

### **Commission Minutes**

It was moved by Commissioner Jackson, with support from Commissioner Garside, to approve the minutes of November 21, 2002, as submitted. The motion carried on a unanimous voice vote.



## **OVERSIGHT**

### Commission/State Administrative Board Contracts and Agreements (Exhibit A)

It was moved by Commissioner Jackson , with support from Commissioner Baillod, to grant approval to the Department to proceed with the contract process. The motion carried on a unanimous voice vote.

Commissioner Jackson commented that the Summary of January Bid Lettings showed January lettings were substantially lower.

### Bid Letting Pre-Approvals (Exhibit A-1)

It was moved by Commissioner Baillod , with support from Commissioner Bender, to grant approval to the Department to proceed with the contract process. The motion carried on a unanimous voice vote.

### Letting Exceptions (Exhibit A-2)

Commissioner Jackson commented that here is where he has a question regarding the \$36 million bid (in Proposal 0301001). Commissioner Jackson commented about the conduit, where the low bid came in at 28,000 percent over the engineer's estimate. Terry Anderson replied that the low bid came in over the engineer estimate due to an incorrect pay item specified in the plans. Normally the pay item used to place a conduit in a barrier is conduit 3 inch. One of this project's instructions requires the use of Conduit Schedule A, a PVC 3-inch structure which is not necessary when being placed in the barrier. Since the contract modified the standard placement, they did bid the price high, and, most likely, this item will be deleted during construction and the regular conduit item used. This will change the price to approximately \$7,000, so that will be adjusted by the engineer. Commissioner Garside asked if it was going to be reduced from \$819,000 to \$7,000, and Terry Anderson replied in agreement.

It was moved by Commissioner Jackson, with support from Commissioner Garside, to grant approval to the Department to proceed with the contract process. The motion carried on a unanimous voice vote.

### Contract Adjustments

Jim Culp, Engineer of Traffic & Safety Division, reported on the contract extras and overruns, Exhibit B.

It was moved by Commissioner Bender, with support from Commissioner Baillod, to approve the contract adjustments. The motion carried on a unanimous voice vote.

## **PRESENTATIONS**

### **Director's Report**

Director Jeff reported she looks forward to working with the STC and that MDOT has the opportunity to work together with the Commission to recapture more of Michigan's Federal dollars for transportation and to broaden its partnerships with other elements of the transportation community. Director Jeff also commented on MDOT's open-door policy and its concept of building on partnerships that build upon the strengths of those involved. Director Jeff presented the State Wide Long-Range Transportation Plan to the State Transportation Commissioners and congratulated Susan Mortel, Director of Planning, for preparing it.

### **Transportation Asset Management Council (TAMC) Update**

Susan Mortel, Director of Planning reported the council has met twice since their last report and they have been reviewing and revising the draft Work Program. The Council has set up four subcommittees: 1) the Administrative Committee will determine how the Council will do business, including procedures, reporting, and relationships with partners; 2) the Data Management Committee will be overseeing the pilot study on the data collection and looking at the different ways of using data and organizing data in the future; 3) the Education and Outreach Committee will provide a communication plan and information regarding the development of Asset Management to constituencies, and 4) the Strategic Analysis Committee will evaluate the various predictive models that will be used in the Asset Management process and will develop the performance measures. An MDOT internal team has been set up that is responsible for the administrative support of the council. TAMC is developing a website, and in February, 2003, the public will be able to access the website through MDOT's website to get information regarding the Council's activities. The 2003 budget was approved, and the 2004 budget has been submitted. Ms. Mortel then introduced Carmine Palombo, Chair of TAMC, to speak about the details of the Asset Management Work Program.

Chairman Palombo, Chairman of TAMC, reported that the TAMC Work Program was approved by the Council on January 8, 2003. The Work Program describes the procedures and requirements which the Council believes are necessary in order to carry out the law. The Work Program is looking into training, data storage and collection, reporting for the annual program, the coordination and development of a multi-year program of projects, budgeting, and funding. They are partnering with the MPOs and the rural planning agencies, in particular,

to have them participate in the coordination and collection of data. The MPOs in the state are already required to do a three-year transportation improvement program, and so it makes sense to involve them in the development of these project lists for the multi-year program that is required in the law. As Ms. Mortel alluded to earlier, they are going to be doing a lot in the area of public education and involvement. The website will provide information, meeting minutes, their Work Program, and other important information, and they will be making presentations and providing the STC with their monthly reports. TAMC anticipates collecting information on the system beginning this August and having it completed by the end of the calendar year, and early in 2004, they should have some preliminary results. Within that process, they will also test some different strategic models to see how they take the information and how it is translated. The law requires the Council to produce five reports and the Work Program details how those will be handled. TAMC will come back in February and seek approval of the Work Program that has been submitted to the Commission. In May, the TAMC is preparing to present their first annual report to the Commission, and in July, will prepare a 2005 budget for the Commission to consider. In October, the Commission will receive the first multi-year program where TAMC is going to actually start looking at the projects. In January 2004, TAMC would like to be able to recommend a strategic analysis model. Other considerations to make along the way are if the TAMC is going to select a data agency, and if so, how, and various potential contracts being brought to the Commission's attention.

Commissioner Jackson asked whether the TAMC Work Program will be using benefit/cost as a mechanism for picking a specific strategy. Chairman Palombo answered that they do not know yet, and they will be considering a number of different ways before they make a recommendation. Commissioner Jackson commented further on the need for benefit/cost because it was one of the drawbacks in the past, when tactically deciding on work projects, there was the over heavy reliance on the engineering characteristics of deficiencies of the road without a mechanism in place for comparing the cost of programs with respect to benefits. The whole purpose of the Asset Management project was to provide an emulsifier to determine how to distribute funds to the road, regardless of its jurisdiction, and in order to do that, you have to have some mechanism, which he suggests should be on a benefit/cost strategic basis.

Chairman Wahby commented that Betty Jean Awrey was absent due to her mother passing and expressed the Commission's wishes of condolences.

## **ADJOURNMENT**

Chairman Wahby adjourned the meeting at 10:41 a.m.

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(Signed Copy on File)

Commission Advisor